

**REMARKS**

Claims 3-6 and 8-10 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,466,548 to Fitzgerald ("Fitzgerald"). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

Each of the claims of the present invention requires, among other things:

(a) a method of generating test sequences for evaluating the interoperability of communications systems ...;

(b) determining transitions ... required to implement [a] desired mode of operation, wherein each transition pertains to a first operation of [a] first VoIP gateway and a corresponding second operation of [a] second VoIP gateway...; and

(c) the generation of "acyclic" paths from a transition diagram.

Applicants respectfully submit that Fitzgerald does not disclose or suggest features (a) through (c), among other features, set forth above.

Instead, Fitzgerald discloses a technique for isolating a sub-link responsible for causing delays. There is no evaluation of the inter-operability of communications systems disclosed or suggested in Fitzgerald. In order to isolate a sub-link, Fitzgerald requires the installation of loopback interfaces at one or more routers. No such insertion of loopback interfaces is required by the claims of the present invention.

In the Final Office Action, the Examiner equates the sending of voice packets from one gateway to another gateway as synonymous with a claimed "transition." Applicants respectfully disagree. The measurement of delay is not a desired mode of operation. Rather, it is a phenomena that occurs between the VoIP gateways disclosed in Fitzgerald. Fitzgerald is simply not concerned, either explicitly or implicitly, with the operation or inter-operability of systems 14, 31.

In the Final Office Action, the Examiner also equates a network topology with the claimed acyclic paths. Applicants respectfully disagree. In accordance with the specification, acyclic paths are defined as those paths that do not have repeated vertices (see Figures 10-13; page 14, lines 15 and 16). The acyclic paths given in Figures 10-13 and described in the specification are not synonymous with the general topology of a network as suggested by the Examiner. The Examiner appears to state this based on his personal knowledge.

Applicants respectfully request an affidavit or declaration from the Examiner indicating the basis for equating the claimed acyclic paths with the topology disclosed in Fitzgerald.

In sum, because Fitzgerald does not disclose each and every element of the claimed inventions, Fitzgerald cannot anticipate the claims of the present invention.

Applicants respectfully submit that this Request places the application in better condition for allowance and does not require further search on the part of the Examiner. Accordingly, Applicants respectfully request entry of this Request, withdrawal of the pending rejections, and allowance of claims 3-6 and 8-10.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

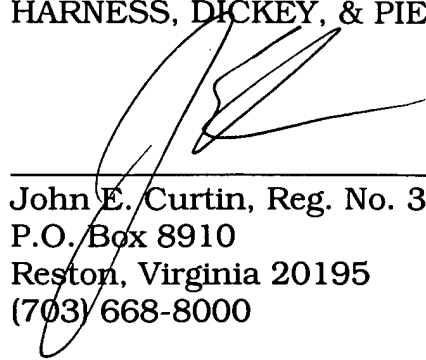
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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